

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MCGRAW HILL LLC, BEDFORD, FREEMAN &
WORTH PUBLISHING GROUP, LLC d/b/a
MACMILLAN LEARNING, CENGAGE
LEARNING, INC., ELSEVIER INC., and
PEARSON EDUCATION, INC.,

Plaintiffs,

v.

DOES 1 - 63 d/b/a 1STEBOOKS.COM,
AONIE.CLUB, AQUICKSHOP.ONLINE,
ATISO.CLUB, BIGDADYSTORES.COM,
BOOKSCHEAP.ORG,
BOOKSPERSONALLY.COM,
CAPOSEL.MYSHOPIFY.COM, CCBOOKS.ORG,
COLLEGE2BOOK.COM,
DERORA.ONKINGSHOP.COM,
DIGITALBOOK4YOU.COM,
DIGITALBOOKDRIVE.COM, DUMANUS.COM,
EBOOK4MART.COM, EBOOKALL.STORE,
EBOOKANDLIFE.COM, EBOOK-MALL.COM,
EBOOKMAR.COM, EBOOKSMODA.COM,
EBOOKSSHelf.COM, EBOOKSSTUFF.CO,
EBOOKTESTBANK.COM, EBOOKTHINGS.NET,
EBOOKTODAY.NET, EBOOKTODAY.STORE,
EBOOKUS.STORE, EBOOKVIP.STORE,
ENENT.MYSHOPIFY.COM,
EVELYN.ONKINGSHOP.COM,
FALCOUS.MYSHOPIFY.COM, GENTER.STORE,
GETXT.NET, GILDANVIETNAM.COM,
GOLDENBUUKS.MYSHOPIFY.COM,
GRUTINA.SHOP, GUZGUZ.CLUB,
IBOOKSTOREHUB.COM, ICONOVER.COM,
INTELLIGENTLEARNERCLUB.COM,
LLERSAND.XYZ, MEGAEBOOKS.INFO,
MONONUS.COM, MOSAC.CLUB,
MUTRIM.MYSHOPIFY.COM,
MYMOMOXSTORE.MYSHOPIFY.COM,
NGHIGIFT.COM, PDF4COLLEGES.COM,
PDF4SCHOOL.COM, PENNYMAC.CLUB,
PIXAREBOOK.STORE,
RELIABLEOUTLETS.COM, RUZSSOS.XYZ,

Civil Action No. 20-cv-6368-GHW

SEKO.CLUB, STDBOOKS.COM,
SUGISE.MYSHOIFY.COM,
UNIBOOKMASTER.COM, VITALEBOOK.NET,
VITALEBOOK.STORE, WEBBOOK.STORE,
WEYCO.CLUB, ZBOOKLIFE.COM, and
ZSTAPLESS.COM,

Defendants.

DECLARATION OF STEVEN ROSENTHAL

I, **STEVEN ROSENTHAL**, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am employed by McGraw Hill LLC (“McGraw Hill”), as the Senior Director, Anti-Piracy and Web Security. I have worked for McGraw Hill and its predecessor since October 2014. Among other responsibilities, I focus on enforcement of McGraw Hill’s intellectual property rights, including the protection of its copyrights and trademarks in connection with online piracy matters.

2. I submit this declaration in support of Plaintiffs’ Motion for a Supplemental Preliminary Injunction in the above-captioned case. Information contained herein also supports Plaintiffs’ concurrently filed Motion to Amend the Complaint. I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able to testify competently to the matters as stated herein.

3. McGraw Hill is a renowned publisher of educational books and multimedia materials in many subject areas for the higher education and high school level, with deep historic roots. McGraw Hill publishes under many distinguished and well-known imprints, including Irwin, Lange, and McGraw-Hill Higher Education, among others. A list of McGraw Hill’s imprints relevant to its claims in this matter is provided on Exhibit B to the proposed Amended Complaint.

4. McGraw Hill owns or controls the copyrights in each of the McGraw Hill textbooks listed on Exhibit C to the proposed Amended Complaint (“McGraw Hill’s Books” or “Books”). McGraw Hill’s Books are protected by copyright registrations issued by the United States Copyright Office to McGraw Hill under the names of its imprints, as set forth on Exhibit C to the proposed Amended Complaint.

5. McGraw Hill also owns or is the exclusive licensee of the registered trademarks listed on Exhibit D to the proposed Amended Complaint (“McGraw Hill Marks” or “Marks”). McGraw Hill or its predecessors or affiliates registered the Marks on the Principal Register of the United States Patent and Trademark Office.

6. McGraw Hill has not granted any license, permission, authorization, or consent to the Defendants in this action or the infringing sites they operate to reproduce or distribute digital copies of McGraw Hill’s textbooks or copyrighted works or to use in any way reproductions of McGraw Hill’s trademarks.

7. As set forth in a previous declaration I submitted in this case, at McGraw Hill’s request, Dan Seymour of Oppenheim + Zembrak, LLP and a team working under his supervision made purchases of digital copies of McGraw Hill’s Books from infringing sites operated by certain Defendants, as identified in Plaintiffs’ original Complaint. *See* Rosenthal Decl., ECF No. 16 ¶ 10; Compl., ECF No. 10, at 3 & Exs. B & C. I confirmed that such files are infringing. *See id.* Since the filing of the original Complaint, McGraw Hill has discovered still more infringing sites operated by certain Defendants, as set forth in the Motion for a Supplemental Preliminary Injunction. Again, at McGraw Hill’s request, Mr. Seymour and a team working under his supervision made purchases of copies of certain Books from these additional infringing sites or, where a purchase was not completed, collected evidence of listings for certain Books on the sites. *See* Proposed Am. Compl. Ex. C. As before, I reviewed and confirmed that such purchased and downloaded files are pirated copies of the relevant Books, which, in some instances, bear

unauthorized reproductions of the relevant Marks. In addition, I reviewed the listings and confirmed that the Defendants have offered to sell pirated copies of the relevant Books and, in some cases, the listings included unauthorized reproductions of the relevant Marks. *See* Proposed Am. Compl. Exs. C. & D.

I declare under penalty of perjury that the foregoing is true and correct.



STEVEN ROSENTHAL

Executed on this 29th day of September 2020.